



2009 Spring Caravan

6 hours Required

**Home & Community Design Issues/Strategies for a Slow Market
Presented by Deborah Long, DREI, CRS, Ed. D.**

**Commission & Sales Tax Issues
Presented by the SD Dept. of Revenue**

Complete Course Description at www.state.sd.us/sdrec - "Caravan Info"

Monday, April 6 – **Sioux Falls** Ramkota, Washington Rm. - 3200 W. Maple St.

Tuesday, April 7 – **Sioux Falls** Ramkota, Washington Rm.

Wednesday, April 8 – **Watertown** Ramkota/Event Center, - 1901 9th Ave. SW

Thursday, April 9 – **Aberdeen** Ramkota – 1400 8th Ave. NW

Monday, April 13 – **Rapid City** Ramkota, Rushmore Rm. – 2111 N. LaCrosse St.

Tuesday, April 14 – **Spearfish** Holiday Inn/Convention Ctr., – I-90 Exit 14

NOTE NEW LOCATION: Wednesday, April 15–**Pierre** Chamber of Commerce–800 W. Dakota Ave.

YOU WILL NEED TO BRING A CALCULATOR FOR THIS CLASS!

Registration begins at 8:15 a.m. Course is scheduled from 9 a.m to 4 p.m.

Pre-registration is required to guarantee admission and is STRONGLY ENCOURAGED.

Deadline to pre-register is April 1.

Registration Fee: \$50.00 (including cookies during morning break)

The Commission will retain \$20 of any refunded registration fee.

The SDREC has a strict attendance policy and expects participants to attend the entire session.
For access assistance, handicapped persons may call the Commissions office at (605) 773-3600.

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**Expired Licenses
Legislative Update
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From the Director's Desk

It is with a heavy heart that I write this article. In another article appearing in this issue you will read of the recent passing of the Commission's legal counsel, Jim Robbennolt. My thoughts and prayers go out to his wife Mari, son Paul and daughter Kate.

I am keeping my article short this time because Jim didn't like things long and drawn out. At Commission hearings, he'd be up against eloquent speaking attorneys. When it came Jim's turn to cross-examine, he could ask one simple question of the witness and the answer, more often than not, would refute the prior testimony. The opposing counsels would just shake their heads.

Jim was a person that you classify as "one of the good guys". He represented the Commission professionally and treated everyone with respect and fairness.

He was always there for me. We talked almost daily and I can just hear his remark of, "Aw, geeeez" when I'd tell him about a delinquent action of a licensee. And if he concurred with something I was saying, he would remark with, "There ya go!"

I'm really going to miss hearing Jim's voice when I push Speed Dial Button #10 on my desk phone. Funny that I chose that number for him, but now I know why. He truly was a "10". I am so thankful to have had the pleasure of working with him.

I will close with a quote that is fitting for Jim and the life he enjoyed. Abraham Lincoln who would have celebrated his 200th birthday this month said, "And in the end, it's not the years in your life that count. It's the life in your years."

DjN



Commission Calendar

Commission Meeting
March 17 & 18 – Pierre



Farewell to a Friend

*James Robbennolt,
served as SDREC
Legal Counsel since
1994*

James Robbennolt, 62, of Sioux Falls, passed away on Tuesday, February 17, 2009. He was born February 16, 1947, in Pierre, to Bill and Betty Robbennolt. He attended Agar High School and played center for the varsity basketball team, which he led to two state tournaments. He graduated from AHS in 1965. He attended the University of SD from 1965 to his graduation in 1969, and was a member of Sigma Alpha Epsilon Fraternity.

Jim married Mari Becker in 1967. They have two children, Paul (Jennifer) Robbennolt and Katie (Steve) Deters, both of Plymouth, MN and four grandchildren, Joe, Jack, and Will Deters and Nathan Robbennolt.

From 1969 to 1973, Jim served his country as an officer and helicopter pilot in the U.S. Army. He served in Vietnam in 1970 and 1971 with the 7th of the 1st Air Cavalry, 1st Aviation Brigade. By flying helicopters, he followed in the footsteps of his father, who was a P-61 night fighter pilot during World War II.

After his years of military service, Jim attended law school at USD, graduating in 1976. He was a trial lawyer with the Olinger Law Firm in Pierre from 1976 until 2002; in 2002 he started his own law firm in Sioux Falls. He was a respected member of the South Dakota legal community.

One of Jim's favorite hobbies was woodworking. He started building furniture and other items in the 1970s. He improved his skills, and his tool collection, over the years. He built dozens of beds, rocking horses, and toys for his children, grandchildren, and the other children in his life.

Jim was devoted to his family and adored his four grandsons. He and Mari delighted in planning activities for their grandchildren, from Camp "Mimi-Papa" and the Butterfly House to Thunder Road Go-Kart racing and Sioux Falls Canaries games. Papa's woodworking shop was paradise for his grandchildren; they could play with toy

trains, talk with Papa, help him build things, or just crack and eat mixed nuts.

Jim was a truly generous person who loved to make his family happy, especially his grandchildren. He had a great sense of humor and relished telling stories (which often revealed his mischievous nature). He was much loved and will be greatly missed.

Licensees Face Disciplinary Action for Failing to Notify Commission

When a licensee changes offices, a Change of Address/Association Form must be submitted to the SDREC along with a \$15 fee for each license that is being transferred **within 10 days**. The SDREC office has been receiving these forms that are weeks, or in some cases, months after the licensee has transferred to another office.

Written notice of change of association is required by state law. SDCL 36-21A-52 requires this notice be registered with the Commission within 10 days. Failure to comply with this requirement may result in disciplinary action and/or a fine for both the responsible broker and the licensee who is switching offices.

The form must be signed by the releasing broker, the new broker and the licensee who is changing offices. It is available on the Commission website at www.state.sd.us/sdrec under Real Estate Forms.

The (Not Only For) Responsible Broker's Course

All broker associates are encouraged to take the 15-hour responsible broker course, even those not seeking to open their own offices or become a responsible brokers. This course is approved for 15 hours required education and provides training in important areas such as brokerage management, trust accounting, risk management and office policy manuals. Not only does it provide the management tools for licensees looking to run their own offices, it also offers insight to broker associates on what to expect from their responsible brokers.

Idaho, Montana, Wyoming End Reciprocal Licensing Agreements

The Idaho, Montana and Wyoming real estate regulatory agencies have recently decided to end their reciprocal licensing agreements with other states, including South Dakota.

Residents of Idaho, Montana and Wyoming who hold South Dakota real estate licenses will now be required to comply with South Dakota's continuing education requirements. It is likely that South Dakota residents holding licenses in these states will also have to comply with their respective education requirements. Licensees affected by these changes should contact the regulatory agencies in these states to determine any additional education or licensing requirements that may now be required.

Montana Board of Realty Regulation:
Telephone (406) 841-2323

Idaho Real Estate Commission:
Telephone (208) 334-3285

Wyoming Real Estate Commission:
Telephone (307) 777-7141



In Memoriam

The SD Real Estate Commission extends its sincerest sympathy to the families and friends of the following who recently passed away:

Jim Robbennolt, Sioux Falls, SD
Brian Foss, Huron

New Licensees

Broker

Englund, David L – Hastings, NE
Gerdes, Mark R – Montevideo, MN
Green, Jason E – Rapid City
Groeneweg, Brian D – Sioux Center, IA
Lundgren, Brent E – Omaha, NE
Miille, Gayle E – Sioux City, IA
Weinberg, Steven L – Grand Junction, CO

Broker Associates

Aberson, Josh J – Sioux Falls
Allgauer, Kristen L – Box Elder
Anderson, Sara – Pierre
Anthony, Tina M – Sioux Falls
Bartels, Candice – Sioux Falls
Bathke, Michelle – Mitchell
Chomiski, Aynsley E – Rapid City
Crider, Andrew – Sioux Falls
Dutter, Jessica L – Spearfish
Eastman, Dan – Brandon
Feeken, Sarah – Brandon
Fox, Alois Jeffrey – Watertown
Greef, Kelly B – Spearfish
Johnson, Jim D – Brandon
Jordan, Margaret (Maggie) L – Sioux Falls
Larsen, Jason C – Sioux Falls
Lowe, Nickalas J – Hot Springs
Mack, James R – Sioux Falls
Maxwell, Michael G – Ethan
Mulder, Matthew J – Sioux Falls
Opsal, Denise B – Huron
Roegiers, Dawn – Brandon
Schepers, Molly L – Deadwood
Stanton, Jeffrey J – Sioux Falls
Steensland, DeAnn M – Rochester, MN
Stulken, Caleb C – Sioux Falls
Swenson, Karri A – Chamberlain
Trudeau, Jesse D – Rapid City
Welsh, Annie M – Sioux Falls
Wiedebush, Gregory D – Clark
Witte, Delton D – Sioux Falls
Wockenfuss, Colleen J – Wentworth

Property Manager

Anderson, Charlee K – Rapid City
Arnold, Sabrina – Spearfish
Braun, Aaron J – Spearfish
Conrad, Christine M – Sioux City, IA
Gilson, Charles H – Yankton
Groves, Sheralin M – Hill City
Hammer, Justin – Minot, ND
Harris, Tara K – Hill City
Hauser, Erin H – Black Hawk
Kusser, Buddina M – Sturgis
Nelson, Kimberly L – Sioux Falls
Van Rooyen, Joshua J – Sioux Falls

Residential Rental Agent

Anderson, Michelle – Hill City
Bassett, Holly N – Castlewood
Behrend, Lisa K – Sioux Falls
Browne, Edward D – Brookings
Bruce, Delores A – Rapid City
Harris, Tara K – Hill City
Harrison, Shawn N – Rapid City
Jackson, Charlene M – Rapid City

Johnson, Jill M – Spearfish
LaBarge, Joseph N – Yankton
Silva, Stefanie E – Sioux City, IA
Trojanowski, Erin T – Rapid City
VonEye, Kelly L – Box Elder

Salesperson

Geis, Byron W – Buffalo, WY
Hanson, Ronald U – Sioux City, IA
Jackson, Tori M – Sioux City, IA
Krull, Kim F – Medora, ND
Landwehr, Dale – Sauk Rapids, MN
Pawloski, Christopher A – Council Bluffs, IA
Sorenson, Diane K – Sioux City, IA
Van De Steeg, Shane – Sioux City, IA
Wudel, Patricia A – Waleska, GA

South Dakota Real Estate VIEW

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THE COMMISSION AND STAFF

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Articles by outside experts express the author's particular viewpoints. These opinions are not necessarily shared by the Commission, nor should they be mistaken for official policy. The articles are included because they may be of interest to the readers.

Continuing Education Corner – Changes Coming to Real Estate Education

By Karen Callahan, Education Director

Another legislative session will soon wrap up in Pierre resulting in significant changes to real estate education. House bills 1115 and 1116 were signed into law by Governor Rounds and will affect people applying for a broker associate license.

Beginning July 1, 2009, any person seeking initial licensure as a broker associate will need to complete 116 hours of pre-licensing education, an increase of 16 hours from the current 100-hour requirement.

Also beginning July 1, new broker associates will need to meet post-licensing education requirements for their first two licensing periods. The law will require completion of 60 hours of post-licensing education – 30 hours to be completed by the first license renewal and another 30 hours to be completed by the second license renewal. These 60 hours will comprise of courses on specific topics, determined by the Commission and outlined in administrative rule. The post-licensing education requirement will take the place of continuing education for these new licensees for their first two licensing periods. After the completion of the post-licensing courses, these licensees would then be required to follow the continuing education requirements already in place, beginning with their third licensing period.

It is important to note that these new laws will affect broker associates that are initially licensed on or after July 1, 2009. **Current licensees and people licensed before July 1 will not be affected by these changes.** Continuing education requirements already in place will not change for existing licensees.

The SDREC has developed work groups consisting of staff, commission members, licensees and educators to develop the guidelines for these changes, which will ultimately be incorporated into the administrative rules.

These new requirements will work hand-in-hand to strengthen the overall

education program and address the increasing complexity of today's real estate environment. The longer pre-licensing course will allow more time to be spent on subject matter. The post-licensing education requirement will provide new, inexperienced licensees with a more standardized and directed path of study and reinforce the subject matter learned in the pre-license course.

The work groups will also discuss other issues related to real estate education, such as guidelines for pre-license course curriculum as well as instructor qualifications.

As part of this process, there will be a public hearing where the Commission will consider comments and input by licensees and the general public regarding the administrative rule changes. This information will be posted on the Commission website and in future newsletters.

Questions regarding education may be directed to the SDREC office at (605) 773-3600.

Legislative Update

The following bills have been approved by the legislature and signed into law by the Governor. These new laws will take effect on July 1, 2009. For more information, log on to the Legislative Research Council website at www.legis.state.sd.us or contact the SDREC office at (605) 773-3600.

HB1094 – require applicants for new licenses and licensees subject of a disciplinary investigation to submit to a state and federal criminal background check, which will include fingerprint cards.

HB1095 – include the improper influence of a real estate appraisal by a real estate licensee to the acts constituting unprofessional conduct.

HB1114 – allow brokers to form certain business entities under certain conditions. This is a housekeeping bill to clarify the language of SDCL 36-21A-46.1, which allows for licensees to form corporations solely for the purpose of collecting commissions. Brokers were not included in the law as originally enacted; HB1114 adds brokers to this law.

HB1115 – increase the pre-licensing education requirement for broker associates to 116 hours. See the Continuing Education Corner column for more info.

HB1116 – require 60 hours of post-licensing education for new broker associates during their first two licensing periods. See the Continuing Education Corner column for more info.

HB1205 – permit an applicant for a responsible broker's license to complete the required fifteen hours of education beyond the broker associate level after licensure as a responsible broker. The broker associate must meet all other requirements for responsible broker before application and must complete the 15-hour responsible broker course within 6 months of the Commission's approval. This law will allow for a broker associate to step into the role of Responsible Broker in extreme circumstances such as the death, illness or sudden retirement of a broker. The Commission will determine approval on a case-by-cases basis.

Additional updates regarding the legislative session will be included in the April/May SDREC newsletter.

Disciplinary Action

The following disciplinary actions have become effective since the last report in the newsletter. A Stipulation and Assurance of Voluntary Compliance is a settlement agreement between licensees and the Real Estate Commission and constitutes neither an admission nor a denial of any violation.

Terry Cameron, Sioux Falls, Broker. Findings of Fact, Conclusions of Law, and Order. Revocation of license; penalty of \$2,500 and costs of \$2836.15. Violation of SDCL 36-21A-71(5);(15);(31) and (32). Cameron committed unprofessional conduct by commingling trust funds with his own funds.

Richard Price, Sioux Falls, Broker. Stipulation and Assurance of Voluntary Compliance. Completion of 15-hour responsible broker course within one year. Alleged violation of SDCL 36-21A-79 for failure to supervise and 36-21A-82 for failure to account for trust funds.

Scott Lloyd, Sioux Falls, Property Manager. Revocation of license; penalty of \$2,500 and costs of \$9,026.35. Violation of SDCL 36-21A-71(1), (3), (4), (5), (15), (30), (31), (32) and (34) and SDCL 36-21A-82. Lloyd has committed

unprofessional conduct by commingling trust funds with his own funds, failure to account for trust funds, issuing an insufficient funds check, substantial and willful misrepresentation with reference to a transaction and for failure to remit sales and services taxes on behalf of his principals to the State of South Dakota.

Non-Renewals

The following licenses expired on December 31, 2008 and had not been renewed as of March 1. Active/Inactive designations indicate the license status on the day of expiration. If the license of an active firm or active qualifying broker is not renewed, all licenses hanging in that office must be returned to the Commission office. If your name appears on the list in error or you wish to reinstate the license, please contact the Commission office.

Active Auctioneers

Bormann, Douglas L – Parkston
Caspers, Nicholas C – Hecla
Simon, Steve N – Groton
Waltman, Riley G – Box Elder

Active Broker Associates

Aadalen, Luke D – Rapid City
Bierstedt, Roger – Huron
Brandsma, Adam J – Sioux Falls
Christenson, David R – Britton
Fitzgerald, Barbara J – Madison
Grimm, Jaye A – Sioux Falls
Gutierrez, Lisa M – Rapid City
Hewitt, Tyson J – Lusk, WY
Hiten, Dorinda R – Rapid City
Horstman, Sara B – Apple Valley, MN
Johnson, Stephen J – Sioux Falls
Klatt, Michael J – Sioux Falls
Lentsch, Bruce L – Volga
Maine, Marcie L – Sioux Falls
Miller, Walter D – Fort Pierre
Moser, Julie A – Larchwood, IA
Nibble, Gregory A – Spearfish
Scoblic, Jeanne K – Sioux Falls
Spinks, Craig – Gresham, OR
Stalheim, Christopher W – Sioux Falls
Van Gilder, Ryan C – Watertown
Veentjer, Joshua – Portland, OR

Active Brokers

Berens, Richard A – Buffalo, MN
Berglee, Clifton M – Billings, MT
Blaschke, Vaughn J – Sioux Falls
Collins, Blair R – Brookings

De Hueck, Patricia – Pierre
Dodgen, David A – Humboldt, IA
Dover, Sr., Thomas E – Norfolk, NE
Edney, Jon A – El Centro, CA
Eid, David R – Montevideo, MN
Fiscus, Clayton R – Billings, MT
Hammon, Beverly A – Rapid City
Houge, Michael K – Burnsville, MN
Huber, Charles L – Bismarck, ND
Jackson, Andrew – Pierre
Johnston, Leanne M – Wilsonville, OR
Kant, Ellen L – New Underwood
Kurzenberger, Randy R – Springview, NE
Lovrien, Brett A – Sioux Falls
Madden, Shawn G – Torrington, WY
Maule, Theresa M – Winner
Mink, Jennifer D – Rapid City
Scoblic, James J – Sioux Falls
Smith, Nels J – Sundance, WY
Thompson, Rebecca L – Marshall, MN
Todd, David J – Bozeman, MT
Todd, Donald D – Greycliff, MT
Walgrave, Jason M – Shakopee, MN
Walter, Nancy M – Arlington
Westgor, Jeffrey W – Carver, MN
Westra, James P – Rock Valley, IA

Active Home Inspectors

Boll, Patrick M – Sioux Falls
Dubbelde, Jean A – Custer
Gottschalk, Charles – Rapid City
Howe, Steven D – Vermillion
Kenny, Thomas G – Aberdeen
Mickalowski, Larry – Vermillion
Skuzu, Richard T – Sioux Falls
Yerigan, Craig A – Watertown

Active Property Managers

Howe, Steven D – Vermillion

Active Residential Rental Agents

Andersen, Carol R – Sioux Falls
Cornelius, Donna C – Sioux Falls
Rogers, Marta – Lead
Sehr, Tabitha – Valley Springs
Van Hill, Stanley “Al” – Sioux Falls

Active Salespeople

Brown-Kemerling, Toni C – Rozet, WY
Christenson, Andrea – Minneapolis, MN
Darsow, Barry A – Maple Grove, MN
Esponda, John A – Buffalo, WY
Goldberg, Fred W – Eden Prairie, MN
Hirschman, Frederick J – Sioux City, IA
Lage, Jerry L – Perry, IA
Meidinger, Robert – Ashley, ND
Mosher, Rita A – Sioux City, IA
Petty-Lucht, Kathleen – Casper, WY
Reichert, Mona – Billings, MT

Savage, Morian D – Sloan, IA
Schlickbernd, Paul J – West Point, NE
Theil, Doris I – Omaha, NE
Townsend, Molly – Minneapolis, MN
Walsh, Edward J – Sioux City, IA
Wasmund, Robert – Worthington, MN
Wisdom, David L – Mandan, ND

Active Timeshare Agents

Kellogg, Kathryn C – Rapid City

Inactive Auctioneers

Bell, Kenneth J – Clark
Schmiedt, Rodney – Oacoma

Inactive Brokers

Ayala, Kari K – New Orleans, LA
Bailey, James E – Sioux Falls
Bergstrom, Kelley A – Kenilworth, IL
Burnside, Greg C – Storm Lake, IA
Carr, William E – Lead
Christensen, Sue K – Vermillion
Dill, Richard M – Le Mars, IA
Dilts, Joyce A – Newcastle, WY
Dygas, Dorothy A – Belle Fourche
Fortak, Dorothy A – Spearfish
Fuller II, Ronald L – Mt. Pleasant, SC
Greer, Diane N – Hot Springs
Harris, Jason M – Sioux Falls
Hermanson, Helen M – Sioux Falls
Hunsucker, David A – Spearfish
Hurlbut Jr., Robert E – Rapid City
Merryfield, Margaret R – Huron
Miller, Murl E – McKinney, TX
Otis, Stephen R – Highland Park, IL
Roberts, Timothy C – Spirit Lake, IA
Russen, Sandra J – Montevideo, MN
Sager, Jayne S – Saint Onge
Sieck, Brian H – Rapid City
Simunek, Floyd C – Hot Springs
Steinfadt, Timothy L – Holmen, WI
Svoboda, Jason V – Ord, NE
Thompson, Jon A – Huron
Wilson, Charlotte E – Sturgis

Inactive Broker Associates

Ahlers, Jenny – Whitewood
Allmer, Derek M – Rapid City
Anderson, Luke D – Rapid City
Baker, Barbara R – Rapid City
Barnes, Michael A – Rapid City
Bence, Terry L – Sioux Falls
Beusch, Judy E – Omaha, NE
Billion, Connie K – Sioux Falls
Biscardi, Sharon A – Yankton
Boke, Dana M – Spearfish
Bonkosky-Montefusco, Erica – Thompson, IA
Brandriet, Shellie R – Arlington

Broeker, Rochelle D – Rapid City
 Calvert, Jessica T – Hartford
 Cantalope, Collin G – Sioux Falls
 Christensen, Aaron M – Rapid City
 Clark, Zachary R – Rapid City
 Cobb, Richard L – Sioux Falls
 Coburn, Rebecca L – Sioux Falls
 Delzer, Viola I – Rapid City
 Dwyer, Kimberly A – Bismarck, ND
 Edrich, Noel S – Beresford
 Elkins, John R – Sioux Falls
 Finke, Dayle – Sioux Falls
 Flores, Diane D – Oxnard, CA
 Fowlkes, Robert F – Sturgis
 Frederiksen, Pat J – Brookings
 Fuller, Susan – Pierre
 Gallagher, Virginia L – Spearfish
 Gioia, Lori A – Rapid City
 Goeden, Angela J – Rapid City
 Granberg, Charlene L – Valley Springs
 Hammock, Dayle D – Sturgis
 Hansen, Julie – Rapid City
 Harle, Paula – Sioux Falls
 Harper, Martin R – Vermillion
 Hauser Jr., William E – Aurora, CO
 Hendricks, Todd W – Rapid City
 Hinrichs-Nguyen, Kim H – Sioux Falls
 Horlock, Patricia S – Riviera, TX
 Huber, Wayne – Sioux Falls
 Huck, Beth A – Belle Fourche
 Jefferis, Christopher R – Sioux Falls
 Jeffries, Judy K – Spearfish
 Johnson, Holly – Hartford
 Kanten, Mace T – Revillo
 Kapuscik, Marilyn A – Chicago, IL
 Karber, Brett A – Brandon
 Kelley, Lindsay M – Hastings, NE
 Kirchhevel, Jennifer L – Sioux Falls
 Kuiper, Shannon P – Hawarden, IA
 Kurth, Tonia L – St. Paul, MN
 Lang, Audrey R – Rapid City
 Larson, Steven – Rapid City
 Leonard, Beth A – Elkhorn, NE
 Ludeman, Kary D – Sioux Falls
 Malone IV, Edward J – Rapid City
 Mattechcheck, Mark L – Seattle, WA
 Mayes, Raymond E – Rapid City
 McDowall, Brian J – Spearfish
 Mentzer, David C – Sioux Falls
 Miller, Robert D – Hot Springs
 Mills, Eric D – Bettendorf, IA
 Miranda, Rebecca L – Fargo, ND
 Morris, Nicolette R – Rapid City
 Nichifor, Lorana I – Sioux Falls
 Norwick, Brandon C – Sioux Falls
 Osborn, Ronald D – Rapid City
 Overbey, Clark Z – Aberdeen
 Pabst, Gary L – Sioux Falls

Pederson, Cheree M – Rapid City
 Petersen, Alyssa M – Sioux Falls
 Peterson, Mary E – Hot Springs
 Petz, Alicia D – Spearfish
 Pletan-Vaughn, Shonda M – Sioux Falls
 Prouty, Melissa – Parker, CO
 Rallis, Nickolas C – Sioux Falls
 Redig, Brian M – Sturgis
 Reese, Leslie L – Jasper, MN
 Rehder, Jessica R – Brookings
 Reichert, Stacy – De Rio, TX
 Robins, William F – Black Hawk
 Roggow, Ralph R – Hot Springs
 Sandness, Tanya L – Sioux Falls
 Schoellerman, Katie A – Vermillion
 Sigel, Randy E – Black Hawk
 Soukup, Stephanie J – Sioux Falls
 Stephens, Daniel W – Rapid City
 Stephenson, James R – Rapid City
 Strande, Dustin – Sioux Falls
 Thiewes, Bruce E – Rapid City
 Thompson, Dee A – Rapid City
 Thorpe, Crystal A – Grand Forks, ND
 Two Lance, Clare L – Pine Ridge
 Uhrig, Naomi – Rapid City
 Van Liere, Rebekkah J – Rapid City
 Van Matre, Julie A – Larkspur, CO
 Vandever, W. Earl – Mitchell
 Wall, Carl R – Rapid City
 Weber, Scott R – Rapid City
 Weller, Rick A – Spearfish
 Wheeler, Collette A – Watertown
 White, Danielle H – Tea
 Wilson, Catherine M – Brandon
 Wilson, Julie A – Harrisburg
 Wilson, Mark C – Rapid City
 Wisener, Miachel W – Goodyear, AZ
 Young, Beverly – Sioux Falls
 Zervas, Gregory S – Sioux Falls

Inactive Home Inspectors

Anderson, Ryan W – Big Sky, MT
 Hansen, Ralph O – Milbank

Inactive Property Managers

Anderson, Sally – Rapid City
 Brosman, Carolyn – Sturgis
 Houg, Eugene L – Sioux Falls
 Nippert, Darrel – Sioux Falls
 Resmen, Carol M – Brandt
 Vetter, Debra J – Fargo, ND

Inactive Residential Rental Agents

Agneau, Karryn L – Pierre
 Anderson, Hazel B – Rapid City
 Blumke, Craig A – Brookings
 Capp, Sharon A – Belle Fourche
 Damm, Cassandra – Fairmont, MN

Eberlein, Kellie – Rapid City
 Elgersma, Renae – Sioux Falls
 Fickbohm, Candee J – Sioux Falls
 Gevik, Kristen E – Sioux Falls
 Haakinson, Curtis, D – Vermillion
 Harkness, Dennis G – Huron
 Hart, Autumn E – Spearfish
 Hawkey, Linda – Sioux Falls
 Johnson, Sara C – Tea
 Johnson, Vicki N – Sioux Falls
 Koepsell, Loren G – Sioux Falls
 Lagge, Kathleen C – Garretson
 Lawer, Lita – Deadwood
 Liesinger, Sandra K – Sioux Falls
 Long, Judy K – Sioux Falls
 Morvay, Gayle L – Watertown
 Nygaard-Mitchell, Rhonda – Sioux Falls
 Perleberg, Mark R – Parker
 Peterson, Donna M – Mission
 Stephens, Heather L – Tea
 VanBockern, Tamara D – Canton

Inactive Salespeople

Bolduc, Janet L – Ortonville, MN
 Clark, Jordan P – Kansas City, KS
 Davis, Kimberli K – Sioux City, IA
 Freking, Jeff – Le Mars, IA
 Graham, Linda M – Sioux Falls
 Grant, Jennifer M – Sioux City, IA
 Harrod-Voth, Tina M – Rapid City
 Herrick, Kenneth C – Payson, AZ
 Hobart, Michael M – Sioux City, IA
 Holzwarth, Neil W – Hill City
 Hopkins, Jack E – Sioux Falls
 Kjos, Sherry R – Sioux City, IA
 Lemme, Wayne C – Harrisburg
 Levich, Jameley A – Sioux City, IA
 Limon, Blanca E – S. Sioux City, NE
 McDonald, Duane – Yankton
 Milligan, Troy R – Spearfish
 Novak, Amy L – Ortonville, MN
 Paulsen Sauser, Lori J – Rapid City
 Pfaff, Brad J – Eden Prairie, MN
 Powers, Eddie J – Rapid City
 Pries, Daniel L – Wayne, NE
 Simon, Steve N – Groton
 Taggart Kounkel, Cam M – Hinton, IA
 Taylor, Cheryl E – Sioux Falls
 Uher, Brigitte M – Sioux Falls
 Van Buskirk, Steven J – Renner
 Vermeys, Jamie R – Sergeant Bluff, IA
 Wood, Jessica A – Sundance, WY

Inactive Timeshare Agents

Heitsch, Tracy L – Hermosa
 Petro, Shirley R – Keystone

APPRAISER UPDATE

This section of the South Dakota Real Estate Review is the responsibility of the South Dakota Department of Revenue and Regulation Appraiser Certification Program. Articles are printed here to communicate pertinent information to those appraisers who receive this newsletter and are licensed under the Certification Program. Appraiser certification inquiries can be directed to Sherry Bren, Program Administrator, 445 E. Capitol, Pierre, SD 57501, 605-773-4608.

Appraiser Certification Program Mission – Purpose – Intent

The Appraiser Certification Program was implemented July 1, 1990, pursuant to enactment of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) by Congress. The mission of the Program is to certify, license and register appraisers to perform real estate appraisals in the state of South Dakota pursuant to Title XI (FIRREA). The purpose of the Program is to examine candidates, issue certificates, investigate and administer disciplinary actions to persons in violation of the rules, statutes and uniform standards, and approve qualifying and continuing education courses. Title XI intends that States supervise all of the activities and practices of persons who are certified or licensed to perform real estate appraisals through effective regulation, supervision and discipline to assure their professional competence.

Appraiser Certification Program Advisory Council

Council members provide recommendations to the Secretary of the Department of Revenue and Regulation in the areas of program administration in order to sustain a program that is consistent with Title XI. The Council meets quarterly in public forum. See the Website for meeting information. www.state.sd.us/appraisers

Important Notice Appraiser Certification Program Supervisors & State-Registered Appraisers

On January 1, 2009 new rules were effective for supervising appraisers and state-registered appraisers being supervised. See our Website at www.state.sd.us/appraisers for changing requirements. It is important for you to review the changes to become familiar with the new requirements.

After January 1, the new Appraiser Supervisor Endorsement (for supervisors) or the Application to Register Supervisor Appraiser/Supervisor Agreement (for state-registered appraisers) **must be submitted and approved** before any supervision occurs.

Both supervising appraisers and state-registered appraisers are responsible for affirming the Department's supervisor/state-registered applicant registration. For confirmation, see the Supervisor Log link on our Website.

Both the supervising appraiser and state-registered appraiser must attend and successfully complete a Department approved training course **before or within 90 days** after supervision begins. A reasonable extension for completing the training course may be granted by the Secretary upon written request. Verification of successful completion must be submitted to the Department.

The first offering of the training course (SD Supervisor Program Course) was held on January 23, 2009. The next offering will be held April 17, 2009 from 8 a.m. until 12:00 Noon at the AmericInn Lodge and Suites, Chamberlain, South

Dakota. Four hours of continuing education credit is awarded. Go to www.paasd.com and click on "Education" for on-line registration or for further information contact Bev Luke, Professional Appraisers Association of South Dakota at (605) 716-9011.

If a supervising appraiser has not actively supervised or has not been an approved supervising appraiser within the past three years after the training course is successfully completed, he/she must complete the course again.

SUPERVISOR:

Supervising appraisers must be State-Licensed, State-Certified Residential, or State-Certified General appraisers who have satisfied the requirements of a supervisor. This includes completion and submission of a Supervisor Endorsement form, a nonrefundable fee of \$150.00, and completion of the training course for supervising appraisers and state-registered appraisers.

Supervising appraisers will be required to renew their supervisor status yearly on a renewal application form provided by the Secretary along with the prescribed \$100 renewal fee.

A maximum of three state-registered appraisers may be supervised at one time.

STATE-REGISTERED

APPAISER:

State-Registered appraisers who wish to have a supervising appraiser must complete and submit an Application to Register Supervisor Appraiser/Supervisor Agreement.

State-Registered appraisers must maintain an Appraisal Experience Log (Log) on a form provided by the Secretary of the Department (see sample log on our Website) that includes each appraisal performed. Separate logs must be maintained for each supervising appraiser.

You must notify the Department in writing when you cease to be associated with a supervising appraiser.

Important Notice Appraiser Certification Program Upgrade Education Requirements

Qualifying Education Interpretation for upgrade of a certificate issued by the Appraiser Qualifications Board of the Appraisal Foundation adopted by the Appraiser Certification Program effective January 1, 2009.

A state-registered appraiser may satisfy the educational requirements for the state-licensed appraiser classification by completing the following additional educational hours:

- (1) Residential market analysis and highest and best use – 15 hours;
- (2) Residential appraiser site valuation and cost approach – 15 hours;
- (3) Residential sales comparison and income approaches – 30 hours; and
- (4) Residential report writing and case studies – 15 hours.

A state-registered appraiser may satisfy the appraiser educational requirements for the state-certified residential appraiser classification by completing the following additional educational hours:

- (1) Residential market analysis and highest and best use – 15 hours;
- (2) Residential appraiser site valuation and cost approach – 15 hours;
- (3) Residential sales comparison and income approaches – 30 hours;
- (4) Residential report writing and case studies – 15 hours;
- (5) Statistics, modeling and finance – 15 hours;
- (6) Advanced residential applications and case studies – 15 hours; and
- (7) Appraisal subject matter electives – 20 hours.

A state-licensed appraiser may satisfy the appraiser educational requirements for the state-certified residential appraiser classification by completing the following additional educational hours:

- (1) Statistics, modeling and finance – 15 hours;
- (2) Advanced residential applications and case studies – 15 hours; and

- (3) Appraisal subject matter electives – 20 hours.

A state-registered appraiser may satisfy the appraiser educational requirements for the state-certified general appraiser classification by completing the following additional educational hours:

- (1) General appraiser market analysis and highest and best use – 30 hours;
- (2) Statistics, modeling, and finance – 15 hours;
- (3) General appraiser sales comparison approach – 30 hours;
- (4) General appraiser site valuation and cost approach – 30 hours;
- (5) General appraiser income approach – 60 hours;
- (6) General appraiser report writing and case studies – 30 hours; and
- (7) Appraisal subject matter electives – 30 hours.

A state-licensed appraiser may satisfy the appraiser educational requirements for the state-certified general appraiser classification by completing the following additional educational hours:

- (1) General appraiser market analysis and highest and best use – 15 hours;
- (2) Statistics, modeling, and finance – 15 hours;
- (3) General appraiser sales comparison approach – 15 hours;
- (4) General appraiser site valuation and cost approach – 15 hours;
- (5) General appraiser income approach – 45 hours;
- (6) General appraiser report writing and case studies – 15 hours; and
- (7) Appraisal subject matter electives – 30 hours.

A state-certified residential appraiser may satisfy the appraiser educational requirements for the state-certified general appraiser classification by completing the following additional educational hours:

- (1) General appraiser market analysis and highest and best use – 15 hours;
- (2) General appraiser sales comparison approach – 15 hours;
- (3) General appraiser site valuation and cost approach – 15 hours;
- (4) General appraiser income approach – 45 hours; and
- (5) General appraiser report writing and case studies – 10 hours.

USPAP Q & A

Vol. 10, No. 12, December 2008

Current Sales Contract Not Provided

Question: I am an appraiser with several bank clients that do not provide a copy of the current sales contract as a part of their standard appraisal ordering procedures. In addition, the parties to the transaction have been requested by the client not to provide either the contract or information contained in the sales contract, can I still perform the assignment in compliance with USPAP?

Appraisal Report Labeling Confusion

Question: I am an appraiser who is still confused about the use of the various labels used in USPAP. For example, I am not certain how many approaches to value must be developed when performing a Summary Appraisal. Can you help resolve my confusion?

Reviewer Citation of USPAP Non-Compliance

Question: If a review appraiser concludes that an appraisal report is unacceptable, does the reviewer need to cite specific requirements in USPAP that were not fulfilled appropriately?

Vol. 11, No. 1, January 2009

Communicating Confidential Information to a Sworn Peace Officer

Question: I was contacted by a sworn peace officer who simply requested the workfile of an assignment I had previously completed. The officer made this request **without** a subpoena or any form of court order. If the workfile contains confidential information, does USPAP allow me to comply with the officer's request?

Signature on Letter of Transmittal

Question: Does USPAP require an appraiser to sign the letter of transmittal?

Citation of Effective Date

Question: I've been engaged for a real property appraisal review assignment and have a question about the appraisal report under review. Does USPAP require the date of value to be cited each time the opinion of value is stated in the appraisal report?

Vol. 11, No. 2, February 2009

Appraising Without Knowing the Intended Use or User

Question: Does USPAP allow me to appraise a property without knowing the

intended use or user if there is an agreed upon scope of work?

Probate Court Statute Basing the Appraisal Fee on the Appraised Value

Question: A property is being appraised for a probate court in a state which has a statute stipulating that appraisal fees for these assignments shall be based on the appraised value of the property. Does USPAP allow me to appraise the property under this compensation arrangement?

Must a Review Appraiser be licensed or certified in the state jurisdiction where the subject property is located?

Question: Does a review appraiser have to be licensed or certified in the state where the subject property is located?

NOTE: The Q&A below was published by the ASB in October 2008. Following its publication, the ASB received questions that caused the ASB to reconsider whether their response was clear and adequately addressed the environment in which business valuation professional work. For this reason, the Board modified its **Response** to enhance its clarity and understandability.

USPAP Applicability in Valuation for Financial Reporting

Question: I am an appraiser in a firm that performs valuations of business interests and assets (both tangible and intangible) for financial reporting purposes in accordance with Financial Accounting Standards Board (FASB) standards. Does USPAP apply to valuations for financial reporting purposes?

Answers to the above questions can be found at: www.appraisalfoundation.org.

[For further information regarding USPAP Q&As contact The Appraisal Foundation at: www.appraisalfoundation.org]

Online Forms

The Appraiser Certification Program forms (along with all state forms) are available online. To find our forms:

- Go to www.state.sd.us
- Under the picture at the top of the page, click on the tab that says "State Forms."
- Locate the box that says "List Forms/Publications by Agency" and click on the down arrow to the right.

- Select "Revenue & Regulation," and then click on "Search." (You MUST click on Search. The enter key does not work.)

- Scroll down until you see the gray shaded bar that says "LICENSES & PERMITS: REAL ESTATE: Appraiser."

Information Regarding Disciplinary Actions

Public information regarding disciplinary action taken against an appraiser is available upon written request to the Department of Revenue and Regulation, Appraiser Certification Program, 445 East Capitol Avenue, Pierre, SD 57501 or e-mail – Sherry.Bren@state.sd.us. Include in the request for information the name of the appraiser and the appraiser's city and state of residence. (Disciplinary action may include denial, suspension, censure, reprimand, or revocation of a certificate by the department. (ARSD 20:14:11:03))

The following disciplinary actions have been taken by the Department of Revenue and Regulation, Appraiser Certification Program:

Kay M. Swanhorst, Aberdeen – Complaint Case # 08-298. The Department of Revenue and Regulation issued a Final Order Suspending Kay M. Swanhorst's State-Licensed Appraiser Certificate for three (3) years effective December 31, 2008 and assessed a \$1,000 unprofessional conduct penalty for violations of ARSD 20:14:06:01 (violation of Uniform Standards of Professional Appraisal Practice, Standard 1 and Standard 2) and ARSD 20:14:06:01.01.

Rodney A. Plagman, Storm Lake, Iowa – Complaint Case # 08-304. The Department of Revenue and Regulation issued a Final Order Denying Rodney A. Plagman's Renewal Application for State-Certified General Appraiser Certificate effective January 6, 2009 pursuant to the authority provided in SDCL 36-21B-3(12), ARSD 20:14:11:02 and ARSD 20:14:11:03(2), (4), (10), and (17).

Review of Cases – 01/01/08 - 12/31/08

For the period Jan. 1, 2008 through December 31, 2008 the Department has received 22 upgrade applications, 3 new applications claiming experience and initiated 11 complaint investigations.

Upgrades – 3 pending, 4 agreed dispositions and 15 issued.

New Applications Claiming Experience – 2 pending and 1 issued

Complaints – 3 pending, 6 disciplinary actions, and 2 dismissed with no action (1 case, action not warranted and 1 case, no jurisdiction).

New Licensees – Dec. 2008/January 2009

Kevin P. Johnson, State-Registered – Lexington, KY

John W. Seuntjens, State-Certified General – Mapleton, IA

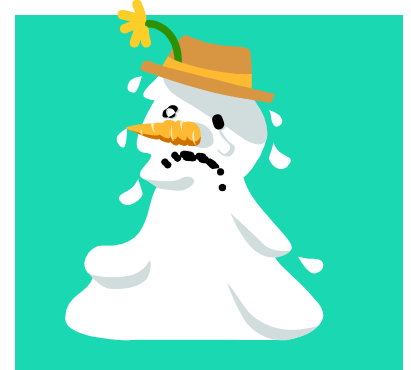
James D. Cannon, State-Certified General – Hutchinson, KS

Chad A. Eschmeyer, State-Certified General – Scottsdale, AZ

Steven J. Clooten, State-Registered – Spearfish, SD

Upgrades

None



2009 Spring Caravan Registration – Home & Community Design Issues

One registration form per person!

Name _____ License Number and Type _____

(Mailing Address) (City) (State) (Zipcode) (Daytime Phone)

Email Address: _____

Please check which you would like to attend. Registrations left blank will be returned.

- | | | |
|--|--|--|
| <input type="checkbox"/> Sioux Falls – Mon., April 6 | <input type="checkbox"/> Sioux Falls – Tue., April 7 | <input type="checkbox"/> Watertown – Wed., April 8 |
| <input type="checkbox"/> Aberdeen – Thurs., April 9 | <input type="checkbox"/> Rapid City – Mon., April 13 | <input type="checkbox"/> Spearfish – Tues., April 14 |
| <input type="checkbox"/> Pierre – Wed., April 15 – New Location – Pierre Chamber | | |

Registrations received by phone or fax will NOT be accepted. The registration fee of \$50 must accompany this form. The Commission will retain \$20 of any refunded registration fee.
Registrations should be mailed to SDREC, 221 W. Capitol Ave., Suite 101, Pierre, SD 57501.

Registrations are due by Wednesday, April 1st.

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